

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR0320-61262**

In the matter of Michael Farrelly [Applicant Landlord] and Paul Lynch [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated the 7th February 2020, served by the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 1 Saint Killians Park, Mullagh, Co. Cavan, A82W2H4, is valid.
2. The Respondent Tenant and any persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the expiration of the emergency period as defined in section 3 of the Emergency Measures in the Public Interest (Covid -19) Act 2020 or as extended by order under section 4 of the Emergency Act the Emergency Measures in the Public Interest (Covid -19) Act 2020.
3. The Respondent Tenant shall pay the sum of €8,555.00, in 17 consecutive monthly payments of €500, on the 28th day of each month, followed by one payment of €55.00 in the immediately succeeding month, commencing the next month after the issue of this Order, being rent arrears up to the 30th June 2020, being the date of the paper based decision, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment shall be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until the sum of €8,555.00 has been paid in full;
5. For the avoidance of doubt any default in the payment of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenant shall pay any rent outstanding from the 30th June 2020, at the rate of €850 per month and/or €27.95 per day , unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €700 to the Respondent Tenant, on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 9 September 2020.

A handwritten signature in dark ink, appearing to read 'Ciara Cronin', is written over a horizontal line.

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director